

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|------------------------|---|---------------------------|
| CHARLES PETRUNAK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:18-cv-03525-RLY-MJD |
| |) | |
| JILL ANN KROFTA, |) | |
| MANUEL A. VICARIO, and |) | |
| KEVIN MCSHANE, |) | |
| |) | |
| Defendants. |) | |

**ORDER ON PLAINTIFF’S OBJECTIONS TO THE MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION**


On September 17, 2019, the Magistrate Judge recommended that the court grant Defendants Jill Krofta and Manuel Vicario’s Motion to Dismiss the Amended Complaint, grant Defendant Kevin McShane’s Motion to Dismiss the Amended Complaint, and grant Plaintiff Motion for Leave to File a Surreply in opposition to the Motions to Dismiss.

The court, having reviewed the parties’ submissions and the applicable law,

OVERRULES Plaintiff’s Objections, **ACCEPTS** the Magistrate Judge’s recommendation to grant Krofta and Vicario’s Motion to Dismiss Amended Complaint, and **ACCEPTS** the Magistrate Judge’s recommendation to grant McShane’s Motion to Dismiss Amended Complaint. Accordingly, the court **GRANTS** Defendants Krofta and Vicario’s Motion to Dismiss Amended Complaint (Filing No. 34). Counts I, II, and III are **DISMISSED WITH PREJUDICE**; Counts IV, V, and VII are **DISMISSED WITHOUT PREJUDICE**. In addition, the court **GRANTS** Defendant McShane’s

Motion to Dismiss Amended Complaint (Filing No. 36) **WITHOUT PREJUDICE**, and
GRANTS Plaintiff's Motion for Leave to File Sur-Reply (Filing No. 41).

SO ORDERED this 29th day of January 2020.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

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